

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,
Plaintiff,

v.

ZACKARY ELLIS SANDERS,
Defendant.

Case No. 1:20-cr-00143

Honorable T.S. Ellis, III

**SUPPLEMENTAL AUTHORITY REGARDING FORFEITURE OF
NON-CONTRABAND ELECTRONIC DATA**

Zackary Ellis Sanders submits this supplemental authority in support of his motion for return of copies of seized property and in opposition to the government's motion for entry of a preliminary order of forfeiture. To the extent that the Fourth Circuit's treatment of electronic computer files as separate property outside the forfeiture context is deemed relevant to the Court's determination of these motions, the Fourth Circuit held, as it related to the scope of the search authorized by a warrant, that:

At bottom, we conclude that *the sheer amount of information contained on a computer does not distinguish the authorized search of the computer from an analogous search of a file cabinet containing a large number of documents*. As the Supreme Court recognized in *Andresen*, “[T]here are grave dangers inherent in executing a warrant authorizing a search and seizure of a person's papers that are not necessarily present in executing a warrant to search for physical objects whose relevance is more easily ascertainable.” 427 U.S. at 482 n. 11, 96 S.Ct. 2737. While that danger certainly counsels care and respect for privacy when executing a warrant, it does not prevent officers from lawfully searching the documents, nor should it undermine their authority to search a computer's files. *See United States v. Giberson*, 527 F.3d 882, 888 (9th Cir.2008) (*holding that “neither the quantity of information, nor the form in which it is stored, is legally relevant in the Fourth Amendment context”*). *We have applied these rules successfully in the context of warrants authorizing the search and seizure of non-electronic files, see Crouch*, 648 F.2d at 933–34, and we see no reason to depart from them in the con text of electronic files.

United States v. Williams, 592 F.3d 511, 523–24 (4th Cir. 2010) (emphasis added).

Respectfully submitted,

ZACKARY ELLIS SANDERS
By Counsel

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2022, the foregoing was served electronically on the counsel of record through the US District Court for the Eastern District of Virginia Electronic Document Filing System (ECF) and the document is available on the ECF system.

/s/ Nina J. Ginsberg
Nina J. Ginsberg